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15 UNITED STATES DISTRICT COURT

16 FOR THE CENTRAL DISTRICT OF CALIFORNIA

17 EASTERN DIVISION

18 NATIONSTAR MORTGAGE, LLC,

19 Plaintiff,

20 v.

21 JOSE ALFREDO JUAREZ; GENOVEVE
22 JUAREZ; UNITED STATES
23 DEPARTMENT OF TREASURY,
24 INTERNAL REVENUE SERVICE; ALL
25 PERSONS UNKNOWN, CLAIMING
26 ANY LEGAL OR EQUITABLE RIGHT,
27 TITLE, ESTATE, LIEN OR INTEREST
28 IN THE PROPERTY DESCRIBED IN
THE COMPLAINT ADVERSE TO
PLAINTIFF'S TITLE, OR ANY CLOUD
UPON PLAINTIFF'S TITLE THERETO;
and DOES 1 through 50, inclusive,

Defendants

No. 5:16-cv-00937-AB-SP

[PROPOSED] ORDER GRANTING
STIPULATION BETWEEN PLAINTIFF
AND DEFENDANT UNITED STATES,
DEPARTMENT OF THE TREASURY,
INTERNAL REVENUE SERVICE AND
REMANDING CASE TO STATE COURT

Based upon the Stipulation between the United States of America, by and through
its attorney of record, and plaintiff, Nationstar Motrgage, LLC, by and through its
attorneys of record, the Court hereby orders as follows:

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- 1 1. The real property at issue in this suit is located at 6598 Karen Lane, Riverside,
2 California, 92509 (the "Property") Assessor's Parcel Number or APN 175-032-
3 005, and consists of the following legal description:

4 LOT 14 OF BENEDICT ESTATES IN THE COUNTY OF RIVERSIDE,
5 STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 29,
6 PAGES 95, 96 AND 97 OF MAPS, IN THE OFFICE OF THE COUNTY
7 RECORDER OF SAID COUNTY.

8 EXCEPT THEREFROM ALL OIL, GAS, MINERALS, AND OTHER
9 HYDROCARBON SUBSTANCES LYING BELOW THE SURFACE OF
10 SAID LAND, BUT WITH NO RIGHT OF SURFACE ENTRY, AS
11 PROVIDED IN DEEDS OF RECORD.

- 12 2. Defendant Juarez acquired title to the subject property via an Interspousal
13 Transfer Grant Deed recorded on September 11, 2008 in the Official Records
14 of the County of Riverside at Document No. 2008-0499295.
- 15 3. Defendant Juarez obtain a loan from Countrywide Bank, FSB, secured by a
16 Deed of Trust, recorded on September 11, 2008 in the Official Records of the
17 County of Riverside at Document No. 2008-0499296 (Countrywide Deed of
18 Trust).
- 19 4. Defendant Juarez refinanced the Countrywide loan secured by the Countrywide
20 Deed of Trust and obtained a loan from Bank of America, N.A., secured by a
21 Deed of Trust recorded on September 1, 2009 in the Official Records of the
22 County of Riverside at Document No. 2009-0455668 (Bank of America Deed
23 of Trust). Bank of America, N.A. tendered full payment in satisfaction of the
24 Countrywide loan recorded on September 11, 2008.
- 25 5. On September 1, 2009, Mortgage Electronic Registration Systems, Inc., as
26 nominee for Countrywide Bank, FSB, executed a Substitution of Trustee and
27 Full Reconveyance recorded on September 8, 2009 in the Official Records of
28 the County of Riverside as Document No. 2009-0465579.

6. On September 24, 2013, Mortgage Electronic Registration Systems, Inc. executed a Corporate Assignment of Deed of Trust, recorded on September 25, 2013 in the Official Records of the County of Riverside as Document No. 2013-0462766, conveying, granting, assigning, transferring, and setting over all beneficial interest in the loan secured by the Bank of America Deed of Trust to plaintiff.
7. On June 10, 2009, defendant IRS recorded a Notice of Federal Tax Lien against defendant Juarez with the Official Records of the County of Riverside as Document No. 2009-0296623.
8. Pursuant to the doctrine of equitable subrogation, the aforementioned Bank of America Deed of Trust is senior to the aforementioned Notice of Federal Tax Lien.
9. Plaintiff is entitled to a first priority lien over the Notice of Federal Tax Lien in the amount of \$504,317.46, plus applicable interest from September 1, 2009, the date the Bank of America Deed of Trust was recorded in the Official Records of the County of Riverside.
10. Paragraphs 8 and 9, above, do not waive or relinquish any rights or interest of the United States in the subject real property. In the event that plaintiff forecloses on its lien secured by the Bank of America Deed of Trust, plaintiff will have first position, and the IRS will have second position, or as otherwise provided by law, as to any proceeds from any future foreclosure of the subject real property.
11. Each party shall each bear their own costs and attorney's fees as against each other in these proceedings.

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1 12.The foregoing resolves Plaintiff's claims as against the United States. There
2 remains no other basis for subject matter jurisdiction. Accordingly, this case is
3 **REMANDED** to the Superior Court of California, County of Riverside.
4 **IT IS SO ORDERED.**

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8 Dated: May 25, 2016



HON. ANDRÉ BIROTTE JR.
UNITED STATES DISTRICT JUDGE

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18 Respectfully submitted,

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21 THOMAS D. COKER
22 Assistant United States Attorney
Acting Chief, Tax Division

23 /s/
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25 AMERICA
26
27
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